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FROM: Kenneth H. Tarbet

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SENDER'S PHONE: 619-234-1700

SENDER'S FAX: 619-234-7831

# OF PAGES (INCLUDING COVER):

FILE NAME: IBIS0055-100/IBIS0403

DATE: January 21, 2004

FILE #: 139881

RECIPIENT(S)	PHONE	FAX
Examiner Habte, Kahsay		703 872 9306

MESSAGE: OFFICIAL FAX! PLEASE DELIVER TO EXAMINER

Serial No.: 10/071,978

Attachments Transmittal Form (1 page)  
Fee Transmittal Form (1 page)  
Response (22 pgs)

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**DOCKET NO.: IBIS-0403(IBIS0055-100)**

**PATENT**

**EXAMINING GROUP NO. 1624**

**Serial No.: 10/071,978**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Inventors: Eric E. Swayze**

**Serial No.: 10/071,978**

**Group Art Unit: 1624**

**Filed: 02/06/2002**

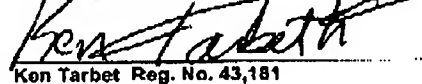
**Examiner: Habte, Kahsay**

**Title: NOVEL BENZIMIDAZOLE COMPOUNDS**

**Certificate of Facsimile Transmission**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office to facsimile number 703-872-9306 on the date shown below.

On January 21, 2004

  
Ken Tarbet Reg. No. 43,181

**BOX AF**  
Commissioner for patents  
PO BOX 1450  
Alexandria, VA 22313-1450

Dear Sir:

**DUPLICATE FILING OF THE AMENDMENT AND REQUEST FOR  
RECONSIDERATION**

A response to the Final Rejection in this case mailed on October 10, 2003 was facsimile transmitted to the central number (703) 872-9306 on December 9, 2003 at 5:51 PM, as evidenced by the Auto-reply Facsimile Transmission herein included. The undersigned attorney further spoke with Examiner Habte on January 21, 2004 to inquire the status of this case. Examiner Habte informed Applicant's representative that there was no record of the filing of a response to the Final

**DOCKET NO.: IBIS-0403(IBIS0055-100)**  
**SERIAL NO.: 10/071,978**

**PATENT**  
**FILED:02/06/2002**

Rejection of October 10, 2003. Examiner Habte suggested that proof of filing including a duplicate of the previous filing be transmitted to the central fax number.

**I. Conclusion**

In view of the foregoing, Applicants respectfully re-submit the response of December 9, 2003 and request entry thereof on that date. Applicant submits a copy of the Auto-reply Facsimile Transmission as evidence that the reply and request for reconsideration was submitted on December 9, 2003. The Examiner is invited to contact Applicants' undersigned representative at (619) 685-1708 upon receipt hereof.

Respectfully submitted,



**Ken Tarbet, Ph.D.**

Registration No. 43,181

**Date: January 21, 2004**

**COZEN O'CONNOR**  
501 West Broadway suite 1610  
San Diego, CA 92101-3536  
Telephone: (619) 685-1708  
Facsimile: (866) 765-8603

USPTO 12/9/2003 5:58 PM PAGE 1/001 Fax Server  
 TO: Auto-reply fax to +619 234 7831 COMPANY:

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at +619 234 7831

Fax Information

Date Received:

12/9/2003 5:51:40 PM [Eastern Standard Time]

Total Pages:

25 (including cover page)


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Received  
Cover  
Page

=====>

Doc#03-12	01-14pm	619-234-7831	619-234-7831	1-700	P.001	P-100
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RECIPIENT(S)	PHONE	FAX
Examiner Hobbs, Kohsey		703-988-9306

MESSAGE: OFFICIAL FAX! PLEASE DELIVER TO EXAMINER Hobbs, Kohsey

Serial No: 10/071,970

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PAGE 1/25 \* RCVD AT 12/09/2003 5:51:40 PM [Eastern Standard Time] \* SVR:USPTO-EFAX-1/1 \* DNIS:8729306 \* CSID:6192347831 \* DURATION (mm:ss):07:50

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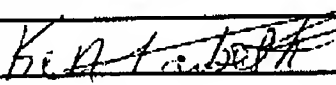
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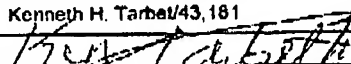
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/071,978	
	Filing Date	February 6, 2002	
	First Named Inventor	Eric E. Swayze	
	Art Unit	1624	
	Examiner Name	Kahsay Habte, Ph.D.	
Total Number of Pages in This Submission	24	Attorney Docket Number	ISIS0055-100/IBIS0403

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Kenneth H. Tarbet/43,181
Signature	
Date	December 9, 2003

CERTIFICATE OF MAILING			
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Typed or printed name	Kenneth H. Tarbet/43,181	Date	December 9, 2003
Signature			

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

## Complete if Known

Application Number 10/071,978  
Filing Date February 8, 2002  
First Named Inventor Eric E. Swayze  
Examiner Name Kalsay Habte, Ph.D.  
Art Unit 1824  
Attorney Docket No. IBIS0056-100/IBIS-0403

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☒ Other ☐ None  
Order

☒ Deposit Account

Deposit  
Account  
Number 50-1275

Deposit  
Account  
Name Cozen O'Connor, P.C.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
210	20	190	18
Independent Claims	7	3	86
Multiple Dependent	0	0	0

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	Reissue independent claims over original patent	
1205	18	2205	9	Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$)

\*\*or number previously paid, if greater. For Reissues, see above.

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1817	2,520	1817	2,520	For filing a request for ex parte reexamination	
1804	920	1804	920	Requesting publication of SIR prior to Examiner action	
1805	1,840	1805	1,840	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	200	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1803	630	2503	315	Plant issue fee	
1450	130	1450	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1808	180	1808	180	Submission of Information Disclosure Sheet	
8021	40	8021	40	Recording each patent assignment per property (fills number of properties)	
1809	760	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) P-Month Extension of Time already paid

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

## SUBMITTED BY

Name (Print/Type) Kenneth H. Tarbel Registration No. Attorney/Agent 43,181 Telephone 819-234-1700  
Signature [Signature] Date December 8, 2003

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